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*Attorneys for Plaintiff and Proposed Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FRANK LUCIDO, ALMACEO AND  
LAURAE CAMPBELL, RICHARD  
CARTER, REGGIE SMITH, DAVID  
BALMER, KAREN PHILLIPS, WAYNE  
COLELLO, KAREN BAKER, RICKY  
BISHARAT, HOPE BENHAM, ROBIN  
BENHAM, VIRGINIA BURGARDT,  
CYNTHIA XENAKIS, DIANE PORTER,  
LANCE CARLSON, GRACE  
ARMSTRONG, JENNIFER HICKEY,  
THOMAS AND SHARON NORMAND,  
CHRISTINA WINTERS, ROBERT  
BRYDEN, REGINA BOLLINGER, PAT  
KELLY, AMERICA PENA, ELIZABETH  
RODARTE, and KACY KIMBALL, on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

NESTLÉ PURINA PETCARE COMPANY, a  
Missouri corporation; and DOES1 through  
200, inclusive,

Defendants.

Case No. 15-cv-00569- EMC

CLASS ACTION

**DECLARATION OF MICHAEL F. RAM  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

CLASS ACTION

JURY TRIAL DEMAN

Complaint Filed: February 5, 2015

DATE: December 17, 2015

TIME: 1:30 P.M.

LOCATION: Courtroom 5 - 17th Floor

1 I, Michael F. Ram, declare as follows:

2 1. I am an attorney admitted to the Bar of the State of California I am a partner at  
3 Ram, Olson, Cereghino & Kopczynski LLP, co-counsel for Plaintiffs in this case. I have personal  
4 knowledge of the following facts.

5 2. I make this declaration in support of Plaintiffs' motion for certification of the class.

6 3. Ram, Olson, Cereghino & Kopczynski LLP is a class action, media law, and  
7 construction defect firm founded in 1997 by lawyers who began their careers in 1982 at Morrison  
8 & Foerster in San Francisco.

9 4. I have been co-lead counsel in numerous national consumer class actions. Our  
10 firm's participation has contributed to consumer class action settlements that have paid billions of  
11 dollars in compensation to millions of victims of unfair and illegal practices.

12 5. I have 30 years of class action experience. I am admitted to practice before the  
13 Supreme Court of the United States and various state and lower federal courts. I graduated cum  
14 laude from Harvard Law School in 1982. I have participated in several class action trials and in  
15 1992 I was a co-recipient of the Trial Lawyer of the Year Award given by Trial Lawyers for  
16 Public Justice.

17 6. From 1993 through 1997, I was a partner with Lieff, Cabraser, Heimann and  
18 Bernstein where I represented plaintiffs in several major class actions, including:

- 19 • *Cox v. Shell*, Civ. No 18,844 (Obion County Chancery Court, Tennessee  
20 (Chancellor Maloan). A nationwide class of approximately six million owners of  
21 property equipped with defective polybutylene plumbing systems and yard service  
22 lines. The settlement has paid out a billion dollars in compensation to consumers.
- 23 • *In re Louisiana-Pacific Inner-Seal Litigation*, No. CV-95-879 JO-LEAD (District  
24 of Oregon). A nationwide class of homeowners with defective exterior siding on  
25 their homes.
- 26 • *ABS Pipe Litigation*, Judicial Council Coordination Proceeding No. 3126 Contra  
27 Costa County Superior Court). A nationwide class of homeowners with defective  
28 ABS pipes.

7. In 1997, I reunited with lawyers I practiced with in the early 1980s to found Levy, Ram, & Olson, now Ram, Olson, Cereghino & Kopczynski. With Ram, Olson, Cereghino & Kopczynski, I continue to focus on consumer class actions. I am currently, and have been, co-lead counsel in a number of consumer class actions including a national certified class of half a million owners of allegedly dangerous glass pane gas fireplaces in *Keilholtz et al. v. Superior Fireplace Company*, N.D. Cal Case No. CV-08-00836 CW (class settlement recently approved). I was co-lead counsel for plaintiffs in *Chamberlan v. Ford Motor Company*, N.D. Cal Case No. CV-03-2628 CW, a national class action involving defective intake manifolds that generated four published opinions, including one by the Ninth Circuit, and settled one court day before the class trial. I was liaison class counsel in *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D. Cal.) and co-lead counsel for plaintiffs in *Whitaker v. Health Net of California, Inc.*, N.D. Cal. Case No. 2:11-cv-0910 KJM DAD, another case involving California's Confidentiality of Medical Information Act. I was also co-counsel for plaintiffs in a number of additional consumer class actions, including:

- *Milligan v. Toyota Motor Sales, U.S.A., Inc.*, United States District Court, N.D. Cal. Case No. C09-05418-RS. I served as co-counsel for a national class of 235,000 past and present owners of Toyota RAV-4 vehicles manufactured in 2001-2003 for defects in the transmission and electronic control modules (settled on national basis).
- *In re Kitec Plumbing System Products Liab. Litigation*, United States District Court, N.D. Texas, Case No. 09-MD-2098. I served as co-lead counsel for a multi-national class action involving claims concerning defective Kitec plumbing systems in more than 225,000 homes in the United States and Canada (settled on national basis).
- *Richison v. American Cemwood Corp.*, San Joaquin Superior Court Case No. 005532.

I served as co-counsel for a multistate class of tens of thousands of owners of homes and other structures on which defective Cemwood Shakes were installed.

- *Williams v. Weyerhaeuser*, San Francisco Superior Court Case No. 995787. I served as co-counsel on behalf of a nationwide class of hundreds of thousands or millions of owners of homes and other structures with defective Weyerhaeuser hardboard siding.
- *Naef v. Masonite, Mobile County*, Alabama Circuit Court Case No. CV-94-4033. I served as co-counsel on behalf of a nationwide class of homeowners with defective hardboard siding on their homes. Settlement payments exceeded a billion dollars.
- *Keiholtz v. Superior Fireplace Co.*, United States District Court, N.D. Cal. Case No. 08-cv-00836. I was Co-Lead Counsel in a certified class action representing 500,000 owners of allegedly defective glass pane glass fireplaces that settled on a nationwide basis.
- *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998) (approving national class action consumer settlement).
- *McAdams v. Monier, Inc.*, 182 Cal. App. 4th 174 (2010) (reversing denial of class certification in consumer class action).
- *Gardner v. Stimson Lumber Co.* (King County Wash. No. 2-17633-3-SEA) (nationwide consumer class action involving defective siding).
- *Rosenberg v. U-Haul* (Santa Cruz Super Ct. No. CV-144045 (certified consumer class action for false and deceptive conduct tried successfully to judgment).

8. In October 2005, I co-authored with Elizabeth J. Cabraser an article entitled “New Class Certification Developments in Non-Personal Injury Product Defect/Consumer Protection Cases: Nationwide vs. Statewide Classes and the Role of Choice of Law.” Published by the ABA for the National Institute on Class Actions.

9. My co-counsel have extensive experience in the prosecution of class actions, consumer protection cases, complex litigation, and animal law, and will ably represent the classes. See John A. Yanchunis, Morgan and Morgan, P.A., <http://www.forthethepeople.com/attorneys/john->

a-yanchunis; James Dennis Young, Morgan and Morgan, P.A.,  
<http://www.forthepeople.com/attorneys/james-d-young>; Roger L. Mandel, Lackey Hershman LLP,  
<http://www.lhlaw.net/roger-mandel.html#top>; Alan M. Mansfield, Whatley Kallas, LLP,  
<http://www.whatleykallas.com/index.php/attorneys/116-alan-m-mansfield>; David Pastor, Pastor  
 Law Office LLP, [http://www.pastorlawoffice.com/wp-content/uploads/2012/01/PASTOR-LAW-](http://www.pastorlawoffice.com/wp-content/uploads/2012/01/PASTOR-LAW-OFFICE-FIRM-RESUME.pdf)  
[OFFICE-FIRM-RESUME.pdf](http://www.pastorlawoffice.com/wp-content/uploads/2012/01/PASTOR-LAW-OFFICE-FIRM-RESUME.pdf); Beth E. Terrell, Terrell Marshall Daudt & Willie PLLC,  
<http://tmdwlaw.com/member/beth-terrell/>; Kenneth G. Gilman, Gilman Law LLP,  
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<http://www.4classaction.com/about-us/team/greg-blankinship>; Todd S. Garber, Finkelstein,  
 Blankinship, Frei-Pearson & Garber, LLP, [http://www.4classaction.com/about-us/team/todd-s-](http://www.4classaction.com/about-us/team/todd-s-garber)  
[garber](http://www.4classaction.com/about-us/team/todd-s-garber); Tom Soule, Edelman, Combs, Latturner & Goodwin, LLC,  
<http://www.edcombs.com/attorneys/thomas-e-soule/>; Michael J. Flannery, Cuneo Gilbert &  
 LaDuca, LLP, <http://cuneolaw.com/team/michael-j-flannery>; Jennifer Edwards, Animal Law  
 Center <http://www.theanimallawcenter.com/OurFirm/Attorneys.aspx>; and Nicholas Migliaccio,  
 Whitfield, Bryson, & Mason, LLP <http://www.wbmlp.com/attorneys/nicholas-migliaccio>.

10. Exhibit A to this declaration is a true and correct copy of Ram, Olson, Cereghino &  
 Kopczynski's firm resume.

I declare under penalty of perjury under the laws of the State of California that the  
 foregoing is true and correct.

Executed this 18th day of June, 2015, at San Francisco, California.

/s/ **Michael F. Ram**  
 Michael F. Ram (SBN 104805)